

"Lisa Arkin"
<larkin@oregontoxics.org>

12/30/2010 06:08 PM

Please respond to <larkin@oregontoxics.org>
--

To "Jan Wroncy", Chad Schulze

cc modenthal, "CLEMENTS Paul R", jrichardson

bcc

Subject RE: Please call Mike Odenthal and tell him there is an issue of compliance with the label because of land zoning

To all:

Jan Wroncy has alerted me about the situation with Triangle Lake School and a forestry application of herbicides. I have emailed previously asking about this unacceptable situation.

On behalf of the hundreds of members of Oregon Toxics Alliance, I request a stay of any forestry application of pesticides on school grounds. School property is public facility property, not land managed for commercial timber.

A stay is in order as there is no immediate threat from weeds or other vegetation. This is not a vector control issue. No public property or human is in immediate harm's way. What is the rush? Let's slow down and take a look at alternatives as well as the legality of this situation.

A spray of forestry pesticides on school grounds is out of compliance with the Oregon School IPM law. As Jan Wroncy points out, this spray may also be out of compliance with Lane County Code.

Oregon Toxics Alliance will be sure to pursue this issue, to research the legality of spraying forestry pesticides on school (public) property. If a law has been violated, we will make sure that the public knows what has been done. We may choose to take action - attorneys will be consulted.

The problem of spraying pesticides close to Triangle Lake School and on school property has been a troubling subject. It is time for the school administration to acknowledge public concern for the safety of these school children.

Sincerely,

Lisa Arkin
Executive Director, Oregon Toxics Alliance

Email: larkin@oregontoxics.org
Website: www.oregontoxics.org
Office Phone: 541-465-8860
Street Address: 1192 Lawrence Street
Eugene, OR 97401

You can support our successful work to protect Oregon and create a future free from toxic harm. Please become a member of Oregon Toxics Alliance!

Go to <http://www.oregontoxics.org/join.html>
Thank you very much!

-----Original Message-----

From: Jan Wroncy [mailto:(b) (6)]
Sent: Thursday, December 30, 2010 4:16 PM
To: Schulze.Chad@epamail.epa.gov
Cc: modenthal@oda.state.or.us; CLEMENTS Paul R
Subject: Re: Please call Mike Odenthal and tell him there is an issue of compliance with the label because of land zoning

I am just sick about this. If Paul Clements had not granted the waiver of the waiting period, this operation could not have begun before January 4th and we could have had answers to these questions.

Obviously if the School is violating the Lane County Code for zoning and no one calls them on it, they will get a way with using a forestry chemical right next to a school with children as young as 5-6 years old and the damage can not be undone.

The manufacturers of forestry, non-crop (and therefore no food allowance either), non-aquatic herbicides, feel free to put the most toxic "secret" ingredients in the formulas because they believe that no one would be stupid enough to put this near a garden (or greenhouse, see in pictures I sent), or near school cafeteria, classrooms or playgrounds, homes, doctor's offices, Granges, etc. This chemical has clear warning of "Do Not Breathe" yet children 100 feet away will have to breathe it for 8 hours at a time!

WHAT HARM could come from a brief stay? They are going to spray tomorrow, Friday, I suppose in hopes that 3 days lapse before children, teachers and parents are back on campus, but they are closed for most of every Friday and a week from tomorrow would give them just as much time as tomorrow will.

PLEASE ask them to wait!

On 12/30/2010 03:45 PM, Schulze.Chad@epamail.epa.gov wrote:

> Hi Jan,
>
> I'm not sure if he's in the Office today but I will forward your message
> to him. As described by Jim Tompkins of EPA HQ's, FIFRA only focuses on
> how a plot of land is being managed not the zoning criteria (maybe that
> is a local ordinance violation?). If the school is managing the entire
> strip as an ornamental garden then they could not use Arsenal ... What
> defines this strip as either "ornamental" or a "managed forest area"?
> Well, it depends on the owners intended use of the land and what type of
> plants are growing on it. During our tour, the both ODF and the
> Pitchfork Rebellion members stated that Weyerhaeuser had replanted the
> strip with commercial tree species. Do you know how the school is
> intending to use this land?
>
> Please keep me in the loop this weekend
>
> Thanks
>
> *****
> Chad C. Schulze, Pesticides Enforcement Team Lead,
> Deputy Unit Diving Officer
> Pesticides and Toxics Unit
> Office of Compliance and Enforcement
> U.S. EPA Region 10 (OCE-084)

> 1200 6th Avenue, Suite 900
> Seattle WA 98101
> 206-553-0505 (ph)
> (b) (6) (cell)
> 206-553-1775 (fax)
> schulze.chad@epa.gov
> <http://yosemite.epa.gov/r10/ECOCOMM.NSF/Pesticides/Pesticides+Homepage>
>
> EPA DIVE TEAM:
> <http://yosemite.epa.gov/r10/oea.nsf/webpage/dive+team>
>
>
>
>
>
> From: Jan Wroncy (b) (6)
> To: Chad Schulze/R10/USEPA/US@EPA
> Date: 12/30/2010 03:30 PM
> Subject: Please call Mike Oedenthal and tell him there is an issue
of
> compliance with the label because of land zoning
>
>
>
> Hi Chad,
>
> The land that the School is on is zoned for a school. Nothing in the
> zoning in Lane County Code allows use of this land for commercial
> timber production. Therefore I think that the use of Arsenal
> Applicator's Concentrate is illegal. Paul Clements is trying to get an
> answer from Lane County Lane Management (Planning) Department about this
> apparent conflict of the School's land use. Being the New Year's
> holiday schedule, many offices are closed and we may not get an answer
> to this question until early next week.
>
> I think it is appropriate to stay the spray operation which is scheduled
> for tomorrow morning so that Nick's Timber Service does not violate the
> label, and the School does not contract something that is illegal.
>
> Can you help get this brief stay?
>
> Paul Clements 541-935-2283
>
> Nick's Timber Services, Inc. Nick Domes 503-910-1120
>
> Jeff Richardson for Triangle Lake Charter Schools 541-925-3262
>
>
>
>
>